

EXHIBIT 9



COHEN PONTANI LIEBERMAN & PAVANE LLP

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February 13, 2007

VIA E-MAIL

Myron Cohen (1927-2005)
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William A. Alper
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Kenneth L. Racowski, Esq.
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1701 Market Street
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Re: Motion barring Ms. Johnson as expert in
Miller et al. v. Treado et al.
Civ. No. 05-10367-RWZ (D.Mass.)
Our File No.: 34250-60L

Sidney R. Bresnick
Of Counsel

Dear Ken:

During the February 8, 2007 LR 37.1 teleconference, we asked that you send us a written explanation of defendants' contention that plaintiffs' objection to giving Kristina Johnson access to plaintiffs' confidential information is without legal and/or factual foundation. Although we have heard nothing, we continue to make a good faith effort to resolve this dispute without involving the Court.

Ms. Johnson's curriculum vitae fails to describe with any particularity her current roles with AES Corporation, Boston Scientific, and ColorLink, other than to indicate her status as a ColorLink co-founder and Board Member from 1995-2002. Before burdening the Court with a motion to bar Mr. Johnson as an expert, we would like to know:

1. What is Ms. Johnson's ownership interest, if any, in ColorLink?
2. What is Ms. Johnson's current role with ColorLink? Please describe any competitive decision-making or day-to-day activities, including participation in or advice related to research.
3. Does Ms. Johnson have any other association with (e.g., family or personal ties to) ColorLink? If so, please describe.
4. What type of role, if any, is Ms. Johnson likely to assume in the future with ColorLink?
5. Would Ms. Johnson be willing to forego any future involvement and/or association with ColorLink?
6. Does Ms. Johnson currently perform or has Ms. Johnson previously performed any consulting with respect to tunable filters? If so, for whom and during what time periods?
7. What is Ms. Johnson's involvement with AES Corporation and Boston Scientific? Please describe any technologies involved and participation in or advice related to research.

We would appreciate a prompt response to our inquiries by 5:00 PM tomorrow, February 14, 2007.

Mindy H. Chettih
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Mr. Kenneth L. Racowski, Esq.
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Very truly yours,
COHEN PONTANI LIEBERMAN & PAVANE LLP

/s/ Mher Hartoonian

MBP/MH

cc: Paul D. Weller, Esq.
Anthony J. Fitzpatrick, Esq.
Christopher S. Kroon, Esq.